

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Juan Mora,)
Plaintiff,)
vs.)
North Dakota Cass County,)
Defendant.)

ORDER ADOPTING
REPORT AND RECOMMENDATION

Case No. 1:07-cv-025

On March 20, 2007, the plaintiff, Juan Mora, filed this petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody. Magistrate Judge Charles S. Miller, Jr. reviewed Mora's petition and submitted a Report and Recommendation. On March 29, 2007, Judge Miller recommended that Mora's petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody be denied. Mora was then given ten (10) days to file an objection to the Report and Recommendation. No objection was filed.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 3) in its entirety and **DISMISSES** Mora's Petition Under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody (Docket No. 1). The Court certifies that any appeal would be frivolous, could not be taken in good faith, and may not be taken in forma pauperis. The Court further certifies that Mora has failed to make a substantial showing of the denial of a constitutional right and will not grant a certificate of appealability.

IT IS SO ORDERED.

Dated this 18th day of April, 2007.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court